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PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

COURTNEY N. FRANKLIN,)	
)	CASE NO. 5:10CV2094
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
GININE TRIM,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> [Regarding ECF No. 12]

Before the Court is the Report and Recommendation of Magistrate Judge William H. Baughman, Jr. recommending that the State's motion dismiss Petitioner Franklin's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 be granted and that the petition be dismissed with prejudice.¹ ECF Nos. 1, 9 and 12.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. 28 U.S.C. § 636(b)(1)(C). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; Fed. R. Civ. P. 72(b)(2). Failure to object within this time waives a party's right to appeal the district court's judgment. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt a magistrate judge's report without review. *See Thomas*, 474 U.S. at 149.

In the instant case, Petitioner Franklin has not filed objections to the Report and

¹ The matter was referred to Magistrate Judge William H. Baughman, Jr. for the preparation of a Report and Recommendation on the petition for writ of habeas corpus pursuant to Local Rule 72.2.

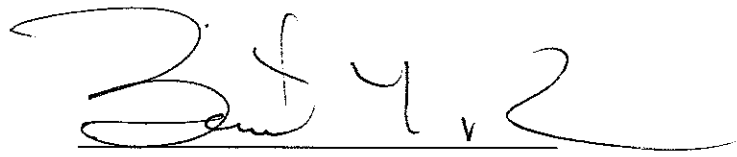
(5:10-cv-02094)

Recommendation nor has she requested an extension of time. The Court finds that the Report and Recommendation is supported by the record, and agrees with the recommendation to dismiss the instant petition pursuant to 28 U.S.C. § 2243, and that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith.

Accordingly, the Court adopts William H. Baughman, Jr.'s Report and Recommendation. ECF No. 12. Respondent's Motion to Dismiss (ECF No. 9) is granted and Petitioner Franklin's petition (ECF No. 1) is dismissed with prejudice. An appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

September 30, 2011
Date


Benita Y. Pearson
United States District Judge